

BOARD OF APPEALS CASE NO. 4872

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BEFORE THE

APPLICANT: Mr. & Mrs. Frank Barile, Jr.

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ZONING HEARING EXAMINER

**REQUEST: Variance to construct an
attached garage within the front yard
setback; 713 Lancaster Drive, Bel Air**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 11/11/98 & 11/18/98

HEARING DATE: December 28, 1998

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Record: 11/13/98 & 11/20/98

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Frank Barile, Jr. is requesting a variance pursuant to Harford County Code Section 267-36B, Table V which requires a 30 foot front yard setback (19 feet proposed), to construct an attached garage to his primary residence.

The subject parcel is located at 713 Lancaster Drive, Bel Air, MD 21014. The subject parcel is entirely within the Brentwood Park subdivision and is more particularly identified on Tax Map 48, Grid 2E, Parcel 316. The parcel consists of 0.26 acres, is entirely within the Third Election District and is presently zoned R2 COS.

The Applicant, Frank Barile, Jr., appeared and testified that he is the owner of the subject parcel. He intends to build an attached garage to his home with dimensions of 12 feet wide by 24 feet deep. The entrance to the garage would be on Lancaster Drive. The Applicant stated that his lot is rectangular in shape and because it is a corner lot, he is constrained by 2 front yard setbacks. Many of the other homes in the neighborhood have attached garages and the Applicant did not believe the construction of his garage would materially impact any neighboring property.

There were no persons who appeared in opposition to the requested variance. The Department of Planning and Zoning recommends conditional approval of the request.

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CONCLUSION:

The Harford County Code, pursuant to Section 267-11 permits area variances provided the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Part 1 would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Part 1 or the public interest.

The Hearing Examiner finds that the property is unique because of its corner lot configuration, creating two front-yard setbacks. The Applicant could not build a garage on this property without the requested variance. Many of the other property owners have similar garages to that which the Applicant intends and denial would deprive this property owner of rights commonly enjoyed by similarly situated property owners in the Brentwood Park subdivision. The Hearing Examiner therefore recommends approval of the requested variance subject to the following conditions:

1. The Applicant obtain all necessary permits and inspections for the garage.
2. The garage not be used for the storage of contractor's equipment and/or commercial vehicles.
3. The proposed setbacks not be further reduced.

Date JANUARY 26, 1999

William F. Casey
Zoning Hearing Examiner